

Application No. 09/654,053
Art Unit 2854
September 27, 2004
Reply to Office Action of June 28, 2004

REMARKS

Applicant respectfully requests the Examiner to reconsider the present application in view of the foregoing amendments to the claims.

Claims 8-10 have been allowed (see the Office Action at page 2), wherein claims 1-4, 6, 7, 12, 13 and 16-19 stand withdrawn. Claims 12-13 and 16-19 were withdrawn in the Office Action of July 11, 2003 (claim 19 depended on withdrawn claim 7, but was not mentioned in the Office Action; the June 28, 2004, Office Action states that claim 19 stands withdrawn).

Withdrawn claims 1-4, 6, 7, 12, 13 and 16-19 have been canceled herein without prejudice of disclaimer of the subject matter contained therein. Also, claim 8 has been canceled without prejudice of disclaimer of the subject matter contained therein. In addition, the present reply amends claims 5, 9 and 10. Thus, claims 5, 9, 10, 11, 14 and 15 are pending in the present application.

No new matter has been added by way of the amendments to the claims, since each amendment has support in the present specification and canceled claims. For instance, claim 5 merely incorporates the allowable subject matter of claim 8, wherein claim 8 has been canceled. With this amendment to claim 5, the dependencies of claims 9-10 were appropriately amended.

Based upon the above considerations, entry of the present amendment is respectfully requested.

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In view of the following remarks, Applicant respectfully requests that the Examiner withdraw all rejections and allow the currently pending claims.

Allowable Subject Matter

As indicated at page 2 of the Office Action, claims 8-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant thanks the Examiner for the consideration given these claims.

Issues Under 35 U.S.C. § 103(a)

Claims 5, 11, 14 and 15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Hirukawa et al. '095 (JP 11139095 A) in view of Fukiu '654 (JP 410006654 A). Applicant respectfully traverses this rejection, and reconsideration and withdrawal are respectfully requested.

Applicants respectfully submit that patentable distinctions do exist over the cited combination of references. However, in efforts to advance prosecution, Applicants respectfully refer the Examiner to the scope of the independent claim. Instantly pending claim 5 incorporates the allowable subject matter of claim 8. Each of the other disputed claims of 11, 14 and 15 depends on claim 5. Thus, Applicants

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respectfully submit that this rejection has been instantly overcome and/or rendered moot. Withdrawal of this rejection is respectfully requested.

Conclusion

A full and complete response has been made to all issues as cited in the Office Action. Applicant has taken substantial steps in efforts to advance prosecution of the present application. Thus, Applicant respectfully requests that a timely Notice of Allowance issue for the present case.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Eugene T. Perez (Reg. No. 48,501) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

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If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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(Rev. 09/30/03)